

FOURTH ANNUAL REPORT OF
D.C. LAW 2-144, "THE HISTORIC LANDMARK
AND HISTORIC PROTECTION ACT OF 1978"

The Fourth Annual Report to the City Council pursuant to Section 14 of D.C. Law 2-144 and number five of the Mayor's Order 79-50 concerns the period from March 3, 1982 to March 3, 1983. During this period, 461 applications were processed by the Historic Preservation Office of the Department of Housing and Community Development. Of these, there were 376 permit applications and 76 applications for conceptual design review. Of the 423 permit applications, 347 were from ten of the City's Historic Districts which are either proposed for listing or listed in the National Register of Historic Places, and 29 were from individually listed landmarks. Of the 76 conceptual design review applications, 68 were in historic districts and eight were for individual landmarks. Eight applications were either withdrawn or returned to the Permits Office without action because of the applicant's failure to submit requested information. (See Appendix A.)

The attached chart lists by historic district the type of permit applications issued (see Appendix B). The largest number this year was from Georgetown followed by the Capitol Hill Historic District. As pointed out in previous reports, review of applications in Georgetown is done primarily by the Old Georgetown Board of the Commission of Fine Arts (CFA), a federal agency.

There was one public hearing during this period on a permit application which received a negative recommendation from the Joint Committee on Landmarks. This was the Mt. Jezreel Church demolition application. This church is not individually designated but is located within the boundaries of the Capitol Hill Historic District. A public hearing was held by the Mayor's Agent, but a decision has not been issued as yet.

There was also a decision handed down by the D.C. Court of Appeals upholding a decision of the Mayor's Agent to issue a new construction permit application for the International Association of Machinists. After much review by the JCL the proposed design was recommended by that body for issuance and the Mayor's Agent approved it for issuance. The DuPont Circle Citizen's Association, opposed to design and the approvals, appealed the decision to the Court of Appeals and the Court stated the group had had ample input into process and that there was no reason to reverse the Agent's decision. This case was the ninth to be appealed to the D.C. Court of Appeals and the seventh to be unanimously upheld¹ (The other two were either dropped or dismissed.) It is interesting to note that the cases that have gone to public hearings constitute less than five percent of the entire total number processed.¹ (See Appendix C for listing of Mayor's Agents' decisions.)

Beginning April 1, 1983, the Historic Preservation Office (HPO) became part of the new City agency of Consumer and Regulatory Affairs. While the staff has been able to process permit applications efficiently it is anticipated that the process of handling permit applications can become even more expeditious. It is interesting to note that in the four years of the law's administration there have been over 2100 permit applications processed by the HPO. Approximately one third to one half of these are reviewed internally by the HPO staff under delegated authority from the JCL and can be handled within two to five days. Those remaining require review by the JCL or the CPA and can usually be processed within two to three weeks, unless they require more extensive review.

¹/ The proposed project, the subject of this permit application was, the second one reviewed under the process for the IAM site. The first design was turned down by the Mayor's Agent and appealed to the D.C. Court of Appeals by the applicant who withdrew the appeal when a second design was approved by the JCL and the Mayor's Agent. However, approval of the second design by the Mayor's Agent was appealed by the DuPont Circle Citizen's Association who opposed the design.

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CITY COUNCIL

- I. Total number of permit applications 461
March 1982 - March 1983

Total number of Conceptual Design Review applications 76

Total number of conceptual review applications 76 (new construction and alteration):

- a. buildings in historic districts - 68
- b. individual landmarks - 8
- c. public space - 1

- A. Individual Landmarks 29

1. Total number of permits issued without public hearing:

- a. Alterations - 26
- b. Demolitions
- c. New Construction - 3
- d. Subdivision

2. Total number of public hearings where permit ordered issued:

one public hearing - no decision as yet

- B. Buildings within Historic Districts 347

1. Total number of permits issued without public hearing:

- a. Alterations - 301
- b. Demolitions - 16
- c. New Construction - 29
- d. Subdivision - 1

2. Total number of public hearings where permit ordered issued - see report.

3. Total number of public hearings where order "Do Not Issue" - see report.

4. Total number of JCL recommendations of DO NOT ISSUE to Mayor's Agent which did not go to Public Hearing because applications were withdrawn or Public Hearings not requested:

None

- C. Total number of permit applications withdrawn or returned without action March 1982 - march 1983 8
- D. Total number of preliminary review applications 1 (new construction and alteration):
 - a. buildings in historic districts - 1
 - b. individual landmarks

- II. Number of permits issued in historic districts by district (for public hearing cases see above)
- a. Anacostia 9
 - (1) alterations - 5
 - (2) demolitions - 2
 - (3) new construction - 2
 - (4) subdivisions - 0
 - b. Capitol Hill 98
 - (1) alterations - 86
 - (2) demolitions - 6
 - (3) new construction - 5
 - (4) subdivisions - 1
 - c. Georgetown 130
 - (1) alterations - 117
 - (2) demolitions - 1
 - (3) new construction - 12
 - (4) subdivisions - 0
 - d. DuPont Circle 57
 - (1) alterations- 43
 - (2) demolitions - 6
 - (3) new construction - 8
 - (4) subdivisions - 0
 - e. Sixteenth Street 5
 - (1) alterations - 5
 - (2) demolitions
 - (3) new construction
 - (4) subdivisions
 - f. LeDroit Park 11
 - (1) alterations - 11
 - (2) demolitions
 - (3) new construction
 - (4) subdivisions
 - g. Logan Circle 4
 - (1) alterations - 4
 - (2) demolitions
 - (3) new construction
 - (4) subdivisions
 - h. Pennsylvania Avenue National Historic Site 36
 - (1) alterations - 20
 - (2) demolitions - 16
 - (3) new construction
 - (4) subdivisions

- i. Massachusetts Avenue 6
 - (1) alterations - 6
 - (2) demolitions
 - (3) new construction
 - (4) subdivisions

- j. Takoma Park 6
 - (1) alterations - 4
 - (2) demolitions
 - (3) new construction - 2
 - (4) subdivisions

III. Litigation

A. Cases resolved since First and Second Annual Reports

- 1. Pepco Substation No. 12, 1020 33rd Street, N.W.
- 2. Elk's Lodge, 919 H Street, N.W.
- 3. Lansburgh's Furniture Store, 901 F Street, N.W.
- 4. Keith Albee - Rhodes Tavern - National Metropolitan Bank Building on Square 224.
- 5. International Association of Machinists, 1330 Connecticut Avenue, N.W.
- 6. Bond Building, 1420 New York Avenue, N.W.
- 7. Georgetown Harbour Associates, 3301 K Street, N.W.

B. Case pending since Third Annual Report

Mt. Jezreel Baptist Church, 501 E Street, S.E.

MAYOR'S AGENT'S HEARINGS

<u>Case No.</u>	<u>Address</u>	<u>Type of Permit</u>	<u>Individual/Hist. Dist.</u>	<u>Agent's Decision</u>	<u>Court</u>
79-275	Warehouse 3045 K Street, N.W.	Demo	Georgetown	Issue	
79-310	Lansburgh's Furniture Store	Demo	Individual	Do Not Issue	Upheld
80-41; 80-42; 80-43; 80-46	Keith's Albee-Rhodes Tavern- Nat'l Metropolitan Bank	Demo Special Merit	3 Individual	Issue	Upheld
80-156	Elk's Lodge 919 H Street, N.W.	Demo Special Merit	Individual	Issue	Dismissed
80-199	Pepco Substation No. 12 1020 33rd Street, N.W.	Demo Special Merit	Georgetown	Issue	Upheld
80-71 (Revised)	IAM 1330 Conn. Ave., N.W.	New Constr.	DuPont Circle	Do Not Issue	Dropped by Applicant
81-521	Bond Building 1420 New York Avenue, N.W.	Demo Hardship Special Merit	Individual	Do Not Issue	Upheld
81-244	Georgetown Waterfront 3301 K Street, N.W.	New Constr.	Georgetown	Issue	Upheld
81-260	IAM (second design) 1330 Conn. Ave., N.W.	New Constr.	DuPont Circle	Issue	Upheld